

## **II. REMARKS**

### **Formal Matters**

Claims 1-7, 9, 11-21, 23-26, and 30-35 are pending after entry of the amendments set forth herein. Claims 1-9 and 11-29 were examined. Claims 1-9 and 11-29 were rejected.

Claims 1, 9, 11, 21, and 23 are amended. The amendments to the claims were made solely in the interest of expediting prosecution, and are not to be construed as acquiescence to any objection or rejection of any claim. Support for the amendments to the claim can be found in the claims as originally filed, figures, and throughout the specification. Accordingly, no new matter is added by these amendments.

Claims 8, 22, and 27-29 are canceled without prejudice to renewal, without intent to acquiesce to any rejection, and without intent to surrender any subject matter encompassed by the canceled claims. Applicants expressly reserve the right to pursue any canceled subject matter in one or more continuation and/or divisional applications.

Claims 30-35 have been added. Support for the newly added claims can be found throughout the claims, figures, and specification as originally filed. More specifically, support can be found at least at claims 1-2 and 15-20 and paragraphs 36-37. Accordingly, no new matter is added.

Applicants respectfully request reconsideration of the application in view of the remarks made herein.

### **Examiner Interview**

The undersigned Applicants' representatives thank Examiner Samuel P. Siefke for the courtesy of a telephonic interview which took place on August 23, 2010 between the Examiner and Marcus T. Hunt. During the interview, the reference of USPN 2004/0038426 of Manalis (US 7,387,889) and the rejections of claims 1-9 and 11-29 under 35 U.S.C. § 102 were discussed. Proposed amendments to claims 1 and 21 were discussed that would be sufficient to overcome the rejection. The amendments to the claims reflect the discussions which took place during the interview.

### **Rejection under 35 U.S.C. § 102**

Claims 1-9 and 11-29 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by USPN 2004/0038426 of Manalis (US 7,387,889).

Applicant has amended claim 1 to include the limitations of claim 8, and as amended now requires, in part, a sensor layer that detects a temperature change in the vessel. Claim 8 has been cancelled accordingly. As discussed in the above-mentioned telephonic interview, Manalis discloses binding species but fails to disclose or

suggest a sensor layer that detects a temperature change in the vessel, as required by claim 1. Therefore, Applicant respectfully submits that Manalis does not anticipate claim 1 and that claim 1 is in condition for allowance.

Claims 2-7, 9 and 11 ultimately depend from independent claim 1, and thus include all the limitations of claim 1. Therefore, claims 2-7, 9 and 11 are not anticipated by Manalis for at least the same reasons as discussed above for claim 1. Applicant respectfully submits that claims 2-9 and 11 are in condition for allowance. Applicant notes that claims 9 and 11 were amended to align with submitted amendments.

Claim 12 requires an array comprising a plurality of the device of claim 1, and thus is not anticipated by Manalis for at least the same reason as discussed above for claim 1. Claims 13-14 depend from claim 12 and thus are not anticipated for at least the same reason as for claim 12. Applicant respectfully submits that claims 13-14 are in condition for allowance.

Claim 15 is a method claim that requires, in part, introducing a sample comprising a chemical reactant, a biological entity, or a macromolecule into the device of claim 1. Thus, claim 15 is not anticipated by Manalis for at least the reasons discussed above for claim 1. Further, claims 16-20 ultimately depend from claim 15, and thus include all the limitations of claim 15. Therefore, claims 16-20 are not anticipated by Manalis for at least the same reason as for claim 15. Applicant respectfully submits that claims 16-20 are in condition for allowance.

Claim 21 has been amended to require, in part, an integrated heating device used to heat the reaction vessel and maintain the substantially constant temperature based on the detected temperature input and/or output. As discussed in the above-mentioned telephonic interview, Manalis does not disclose or suggest an integrated heating device used to heat the reaction vessel and maintain the substantially constant temperature based on the detected temperature input and/or output, as required by claim 21. Therefore, Applicant respectfully submits that Manalis does not anticipate claim 21 and that claim 21 is in condition for allowance.

Claim 22 has been cancelled and claim 23 has been amended accordingly. Claims 23-26 ultimately depend from claim 21, and thus include all the limitations of claim 21. Therefore, Applicant respectfully submits that claims 23-26 are in a condition for allowance for at least the same reason as for claim 21.

Claims 27-29 have been cancelled and thus the rejections to claims 27-29 are moot.

Applicant notes that new claims 30-35 have been added and are method claims that require, in part, introducing a sample comprising a chemical reactant, a biological entity, or a macromolecule into the device of claim 21. Thus, claims 30-35 are not anticipated by Manalis for at least the reasons discussed above for claim 21. Applicant respectfully submits that claims 30-35 are in condition for allowance.

### III. CONCLUSION

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number UCLA-013.

Respectfully submitted,  
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